

III. REMARKS

Applicant has reviewed the action of the Examiner in which it is stated:

"Kalwara et al discloses a method for applying rubber onto a roof. The method includes providing an adhesive comprising polychloroprene rubber polymer, monoolefin based rubber polymer, tackifier resins, and depending on the particular polymers used, a combination of solvents such as cyclohexane, toluene, and n-heptane are used to form a flowable adhesive composition, applying the composition by straying onto a roofing substrates and applying the a roofing membranes to the applied adhesive. (Col 2, lines 24-32, Col 4, lines 10-45, Col 4, line 55 to Col 5, line 2) Kalwara et al is silent as to the solvent includes dearomatized petro. However, providing dearomatized petrol or gasoline as a solvent is well known and conventional as shown for example by Gaile et al. Gaile et al teaches the fact that n-heptane and dearomatized gasoline are shown to be equivalent for use as non-polar solvents. (See English abstract of RU 2, 221, 836)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use dearomatized gasoline as a non-polar solvent as disclosed by Gaile et al in the method of Kalwara et al because these two materials are art recognized as equivalents". (See Kalwara et al, Col 4, lines 21-28)"

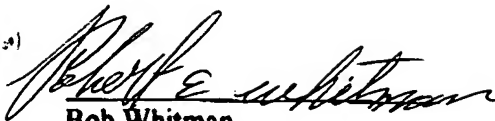
A review of the above referenced patent indicates that there is no disclosure of the components including dearomatized petrol, culohexaol and toulene, as such. The reference patent discloses two main components namely rubber polymers and resin (as does Applicant's disclosure and other solvents. Kalwara does not disclose the use of both solvents cyldhexana and toulene-nor does it disclose the use of dearomatized petrol. It is suggested by the Examiner that the Russel Patent (2,221, 836) teaches the use of "dearomatized gasoline" in an overall bimodal liquid extraction process for processing of petroleum "for purifying cacumn gas "oil" in order to remove aromatic hydrocarbons, as well as heteroatomic components, and heavy metal compounds.

Thusly, it can be seen the use of dearomitized petroleum as disclosed in Russin Patent (2,221,838) is directed entirely to a different process art and end-use-not related to the process shown in Kalwara or Applicant's disclosure. It would thus appear that the parameters of 35 USC103 would not be applicable under such circumstances. Additionally, the unique nature of Applicant's process yields coverage of a superior product that yields approximately nine times the surface area as before.

IV. CONCLUSION


In conclusion, the application is ready for allowance.




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CERTIFICATE OF MAILING

Certification is made that the foregoing response and amendment pleading was mailed to the commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, Virginia 22313-1450 by depositing same in the U.S. Postal Service by way of U.S. Postal Service Express Mail Number E2760701319 on August, 2005. (MAILED AUGUST 6, 2005)


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